

Before the
FEDERAL COMMUNICATIONS COMMISSION

Washington, DC 20554

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In the Matter of)
)
A Proposed Reallocation of the 420 to 430 MHz)
and 440 to 450 MHz Spectrum from the Federal)
Government to the Private Mobile Radio Services)

RM-9267

TO: The Commission

Comments on Petition for Rule Making
Submitted by the
Land Mobile Communications Council

1. The Land Mobile Communication Council's (LMCC) Petition for Rule Making seeking an allocation of additional spectrum for the Private Mobile Radio Services (PMRS) should be modified so as to eliminate the RF spectrum allocation requests in the 420 to 430 MHz band and the 440 to 450 MHz band.
2. The Amateur Radio Service (ARS) currently shares these two spectrum allocations on a secondary basis with the Federal Government which is the primary user. Specifically, the U.S. military services use these two allocations on an infrequent and geographically limited peacetime basis. The joint use of these allocations by these two sets of users has proven to be an efficient, practical, dual-use of this spectrum. ARS use of this spectrum does not interfere with the limited peacetime military use and in wartime, the entire

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allocation is available for military use without dislocating any business users.

3. In most areas of the United States, the ARS licensees have developed extensive repeater systems¹ that serve a variety of purposes. Some of these purposes are special event volunteer public service audio, video, and data communications; experiments in networked RF communications systems; and numerous weather and disaster emergency communication operations.
4. Volunteer public service communications are usually done for non-profit or charitable organizations with very limited resources. These communications services involve a lot of health and welfare inquiries under very real time constraints - excellent rehearsal for major emergency communications service.
5. The ARS has many times been the only two-way radio communications service available in times of severe weather, forest fires, earthquakes, etc. There is no way to put a dollar value of this 'standby infrastructure' of people and self-financed equipment that works other than to say its commercial equivalent has cost the public hundreds of millions of tax dollars and billions more in commercial user fees - and history proves it usually breaks down in a major emergency situation.
6. The LMCC petition suggests that perhaps the ARS and PMRS could share these two spectrum allocations. These is not technically feasible. The current arrangement within these allocations works because of a defacto "time-sharing" (peacetime/wartime) between

¹ *The American Radio Relay League Repeater Directory* (1998-1999 Edition) lists 6637 coordinated 70 CM repeater systems. This number does not include link frequency coordinations within these two 70 CM allocations.

the ARS and the U.S. military. There would be no practical time-sharing between two user groups wanting to use the same spectrum in the same manner at the same time.

7. The U.S. Congress has mandated the sale of unused/under-used portions of the RF spectrum allocated to the Federal Government as a means of obtaining additional income for federal use. This is a short-sighted. Once this "surplus" spectrum is all sold, the revenue stream is gone. A more productive long-term solution would be to lease spectrum allocations to all for-profit broadcast and two-way users.
8. In the present Washington political climate, the only way the ARS is going to reduce its exposure to loss of its secondary user spectrum allocations where the Federal Government is the primary user, is for the ARS to become the primary user with the Federal Government having preemption rights in a declared war or national emergency.
9. But in the meantime and in conclusion, I ask the commission to remove the Federal Government / ARS spectrum allocations of 420 to 430 MHz and 440 to 450 MHz from consideration in the LMCC Petition for Rule Making.

Respectfully Submitted,



George R. Isely, W9GIG
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